

**BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA**

DOCKET NO. 2008-306-C

IN RE:)	
)	
Complaint of Becker Complete)	
Compactor, Inc.,)	
)	
Complainant/Petitioner,)	
)	
v.)	MOTION TO DISMISS WITH
)	PREJUDICE
DeltaCom, Inc.)	
)	
Defendant/Respondent.)	
_____)	

DeltaCom, Inc. ("DeltaCom") hereby requests dismissal of the Complaint due to the Petitioner's failure to prosecute its claim. The Commission directed Complainant to file direct testimony by January 13, 2009. Complainant failed to file testimony in support of its allegations and indicated to the Office of Regulatory Staff and DeltaCom that it did not intend to file testimony at all. DeltaCom also moves to dismiss the Complaint on the grounds that the Complainant has stated in an email to all parties on January 13, "Please close out our case." Thus, it is clear the Complainant has not prosecuted its claim, nor does it intend to prosecute its claim.

WHEREFORE DeltaCom motions the Commission to dismiss the Complaint in the above-captioned matter with prejudice.

Signature page follows

Respectfully submitted,

By: s/Robert E. Tyson, Jr.

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January 14, 2009